

However, he added that employees "who admittedly and legitimately" are in bargaining units should not be covered by merit pay.

Under the civil service reform act, managerial and supervisory employees in grades 13 through 15 are brought under the merit pay system which guarantees only 50 percent of annual federal comparability raises, with the rest of their compensation depending on performance.

The controversy centers among professional employees—engineers, scientists, researchers, doctors, lawyers, etc.—on whether they are part of management's team by virtue of any of their duties or responsibilities. OPM would like to bring more of them under merit pay. The unions are resisting this.

Eventually, the OPM would like to have the law amended to bring grades below grade GS-13 under merit pay. That's why the outcome of the present controversy has even greater significance.

NOT FOOLPROOF—Enrolling oneself in an agency's alcohol and drug abuse program after being threatened with adverse or disciplinary action is no protection against such action being taken, a federal arbitration decision holds.

The case involved an Anniston, Ala. Army Depot employee who was given notice of a proposed 10-day suspension for "insubordination to your supervisor and indecent and disgraceful conduct."

Before the suspension could be handed out, the employee enrolled in the depot's alcohol and drug abuse program. But the agency went ahead and suspended him for 10 days anyway.

Through his union, the American Federation of Government Employees, the employee appealed and the case went to arbitration. The union argued that the alcohol and drug abuse program there provided that adverse actions for misconduct, absenteeism and marginal or unsatisfactory job performance related to alcohol or drug abuse be postponed for 90 days for employees who are enrolled in and satisfactorily progressing in the program, unless retention on the job might result to damage to government property or personal injury to the employee or others.

However, arbitrator George S. King ruled against the employee and upheld the depot's action. He described him as a "belligerent and aggressive person." King said the employee's misconduct was not related to alcohol but to dissatisfaction with being denied a more advanced role in his job because of what he felt was racial discrimination. King said the employee "has to recognize that there are proper channels for voicing his complaints"

(Anniston Army Depot, Anniston, Ala. and American Federation of Government Employees, Local 1945, FMCS File no. 80/K, 18388, Oct. 15, 1980.)

PAY WHILE YOU DRIVE—The Federal Service Impasses Panel has ruled that government agencies can require federal employees who drive their own cars on government business to pay their own mileage costs within a 15-mile radius of their official duty station.

The decision came in a case involving Department of Labor inspectors who work out of a suburban Pittsburgh, Pa. office. The Labor Department said this action would save \$1 million a year and the FSIP agreed that the costs savings justified the requirement. American Federation of Government Employees' National Council of Field Labor Locals is fighting the decision. Federal employees are not required to drive their cars on official government business, but many of them whose duties require travel within their area prefer to do so for the convenience of it.

SUPERVISORS' LOYALTY TO MANAGEMENT HELD A MUST The U.S. Court of Claims has ruled that a federal supervisor who actively participated in a union meeting to protest a proposed office reorganization was properly demoted for having a conflict of interest or position.

The court held that federal supervisors and managers have an "elemental duty of loyalty" to management.

"This loyalty must be maintained in situations involving management's relations with non-managerial employees," the court held. "For management to countenance disloyalty in such situations would be for management to render itself impotent," it added.

The case involved a grade GS-15 manager at the Community Services Administration Region VIII. When the regional director found that the supervisor had been a key figure in the union's fight against a pro-